

**STATEMENT OF REP. EDWARD J. MARKEY
ON INTRODUCTION OF
THE PATIENT RIGHT TO KNOW ACT OF 1997**

February 5, 1997

"Gag rules" that restrict medical communications between providers and their patients enforce a code of silence on doctors that makes informed consent impossible. Such an attack on this most basic patient protection simply cannot be tolerated in a free society. The Patient Right to Know Act would preserve informed consent, by banning the use of gag rules by health plans to keep patients in the dark about important information relating to their health.

When you're a patient, what you don't know can hurt you. That's why Dr. Ganske and I introduced legislation last Congress to protect medical communications between doctors and their patients, and why we're reintroducing this bill again today. Specifically, our bill would protect communications between doctors and their patients about their health status, medical care and treatment options. In addition, the bill protects communications about any utilization review requirements that may affect whether a particular treatment option is covered by the plan, as well as any financial incentives that may affect the treatment of the patient. I believe that all of this information is necessary for patients to make truly informed decisions about their care. In fact, the American Association of Health Plans itself issued a policy statement in December stating that it too believes patients should have access to this information.

I'd like to give you just one example where an unwritten "gag rule" was used by a major health plan in an attempt to restrict communication between a doctor and her patients. Dr. Rosabel Young, a neurologist, was reprimanded by her HMO-employer, CIGNA, for recommending a muscle biopsy to the mother of one of her patients even though it wasn't covered by the plan. Dr. Young says that she was told by the plan that "it was a mistake to tell the patient about a procedure before checking to see whether it was covered." "It was as if I was a store vendor and was only supposed to advertise the products we offered," she said.

Health care is a commodity, a product for sale, but it's simply not the same as other commodities. Making a decision about health care is not like buying a washing machine or a new car, and it shouldn't be treated in the same way. Recognizing that, we should hold the companies that sell health care to a high standard. Specifically, we should make it very clear that limiting the information available to patients to only those treatments covered by their health plan, or limiting a patient's access to other important health-related information, is simply not acceptable. America's patients deserve better, and, based on the support this bill has from the consumer community, I think they're going to demand better.

Silence isn't always golden, and no doctor can practice good medicine in a muzzle. America's patients want to know that nothing is stopping their doctor from telling them the truth, the whole truth and nothing but the truth about their medical care. Our bill will ensure just that.

They say "knowledge is power." Anyone who has ever been seriously ill, or had a serious illness in their family, can tell you that this statement is never truer than when it applies to information about health care. The "power of information" is at perhaps its highest level in the context of health care -- and the freedom of doctors to provide that information to their patients, without interference or restriction, must

be protected.

We've come great distances in the last few years in our ability to communicate with each other. But we haven't advanced at all if -- in an age where you can talk to a perfect stranger in a city on the other side of the globe by picking up the phone or logging onto the Internet -- a wall of silence is erected between doctors and their patients right in the middle of the examining room.

Dr. Ganske and I have strong, bi-partisan support for our bill. We have almost 120 co-sponsors, as of this morning. Given that level of support, we are confident that action on the bill will occur quickly in the House of Representatives.